

Docket No.: 241118US51



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/759,054
Applicants: Emilio A RAMIREZ Jr. et al.
Filing Date: January 20, 2004
For: ELECTRONIC BRAKE FOR MOTOR
Group Art Unit: 2837
Examiner: Rina I. DUDA

SIR:

Attached hereto for filing are the following papers:

Petition Under 37 C.F.R. §1.181
Comments on Statement of Reasons for Allowance

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Joseph A. Scafetta, Jr.
Registration No. 26,803

Customer Number

22850

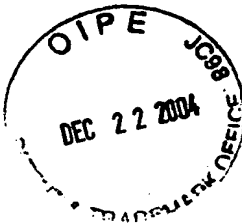
(703) 413-3000 (phone)

(703) 413-2220 (fax)

I:\ATTY\JAS\241118US\241119US. SHT PTO CV.DOC

COPY

DOCKET NO: 241118US51



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
EMILIO A. RAMIREZ JR. ET AL. : EXAMINER: RINA I. DUDA
SERIAL NO: 10/759,054 :
FILED: JANUARY 20, 2004 : GROUP ART UNIT: 2837
FOR: ELECTRONIC BRAKE FOR :
MOTOR :

PETITION UNDER 37 C.F.R. §1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants respectfully petition in accordance with 37 C.F.R. §1.181(a)(3) to compel consideration by the examiner of the enclosed Comments on Statement of Reasons for Allowance. 37 C.F.R. §1.181(a)(3) allows a petition to invoke the supervisory authority of the Commissioner in appropriate circumstances.

In the present case, the Examiner's Statement of Reasons for Allowance inappropriately characterized the claims by placing an unwarranted interpretation on the claims of record. Consequently, this is an appropriate circumstance in which to invoke the supervisory authority of the Commissioner to compel the examiner to consider and enter the enclosed Comments on Statement of Reasons for Allowance.

COPY

Accordingly, it is respectfully submitted that this Petition under 37 C.F.R. §1.181 be granted and that the Examiner enter the enclosed Comments on Statement of Reasons for Allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Joseph A. Scafetta, Jr.
Registration No. 26,803
Attorney of Record

JAS/jyh

I:\ATTY\JAS\241118US\241118US.PETITION.DOC

COPY



DOCKET NO: 241118US51

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
EMILIO A RAMIREZ JR. ET AL. : EXAMINER: RINA I. DUDA
SERIAL NO: 10/759,054 :
FILED: JANUARY 20, 2004 : GROUP ART UNIT: 2837
FOR: ELECTRONIC BRAKE FOR :
MOTOR :

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The "Statement of Reasons for Allowance" included on page 2 of the Notice of Allowability dated October 6, 2004, mischaracterizes the invention in terms inconsistent with the actual claim language. Accordingly, a revised statement of reasons for allowance consistent with the actual claim language is in order and is respectfully submitted below.

COPY

The prior art made of record does not teach an electronic brake comprising: a second resistive element connected in series between the braking mode terminal and the positive side terminal of the capacitive element; and a second common node shared with the second input terminal of the inductive relay or switch and another one of the input connection terminals of the motor.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Joseph A. Scafetta, Jr.
Registration No. 26,803
Attorney of Record

JAS/jyh

I:\ATTY\JAS\241118US\241118US.COMMENTS ON STATEMENT.DOC

COPY



[Handwritten signature]

OSMM&N File No. 241118US51

Dept.: E/M

By: JAS/jyh

Serial No. 10/759,054

In the matter of the Application of: Emilio A RAMIREZ Jr. et al.

For: ELECTRONIC BRAKE FOR MOTOR

Due Date: N/A

The following has been received in the U.S. Patent Office on the date stamped here

- ☐ Dep. Acct. Order Form
- ☐ PTO Cover Letter
- ☐ Petition Under 37 C.F.R. §1.181
- ☐ Comments on Statement of Reasons for Allowance



I:\ATTY\JAS\241118US\241118US.PET.FR.DOC

COPY

[Handwritten initials]
34